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No. 10-1284

Supreme Court, U.S.
FILED
JUN 10 2011
OFFICE OF THE CLERK

In The

Supreme Court of the United States

In Re H. Clark Ford III

Petitioner.

On Petition For Writ Of Habeas Corpus To The United States Court Of Appeals For The Tenth Circuit

PETITION FOR REHEARING

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I. Introduction

Judgment has been cast upon H. Clark Ford III who at no time has been awarded a "full evidentiary hearing."

On March 12, 2007, the Justice Department initiated a petition that has exposed the fact that our judicial branch to the federal government lacks integrity. Void law has passed judgment robbing a man of his human identity while perpetrating a "taking" of personal property; Mr. Ford has also lost 266 days of his life where no testimony has ever been uttered against him.

Judges who have participated in the decision making process in these matters have transgressed upon their sacred oaths of office while committing an apostasy against their own purpose of being. In a four day review and a one phrase denial, the US Supreme Court has awarded void law displaying a salient disregard for the doctrine of *res judicata*.

II. Full Evidentiary Hearing

Judgments must not be passed upon an individual unless there be a full evidentiary hearing to render merit to the order. A "with prejudice" decision to dismiss an action connotes that a court has adjudicated pending issues to finality. A judgment concluding and disposing of a legal action "with prejudice" where no full evidentiary hearing appears on the court registry is a void decree. "To be *res judicata*,

judgment or decree must be on merits (emphasis added)."[1] There was no merit to the dismissal in regards to the Application for Mandamus or the Petition to Enforce Summons. Most of all the denial of the motion 60(b) was without merit not to mention the order sending Mr. Ford to jail.

Ford attended his second encounter with the US District Court on June 7, 2007. His first encounter occurred on April 19. These exchanges were not "full evidentiary hearings." Neither party had formally entered evidence onto the court record on either of these two dates. Ford attempted to enter evidence on June 7; the court precluded him (App500). The District Court, on June 7, 2007, sent Ford to jail on indirect contempt of court based upon no evidence or testimony. The Supreme Court now joins the Tenth Circuit in these blasphemous affirmations. At no time did the District Court allow Ford to face his accuser. "Defendant's right to confront and cross-examine witnesses against him, under the Confrontation Clause, applies to those who bear testimony against him, which is typically a solemn declaration or affirmation made for purpose of establishing or proving some fact."[2] The declarations from IRS official Pryor were taken as fact to where Ford was disallowed the opportunity to perform a cross-examination.

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[1] *Goddard v. Sec. Title Ins. & Guarantee Co.*, 14 Cal. 2d 47, 92 P.2d 804 (1939)

[2] *Crawford v. Washington*, 541 U.S. 36, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004)

Upon appeal 07-2162, Judge Lucero makes note that Ford had complained in his appeal about having been sent to jail where there had not been a "full evidentiary hearing" (App28). He made a point about Ford's complaint on appeal but at no point in his opinion does he expound on whether or not a full evidentiary hearing had taken place on June 7, 2007. This is because such a hearing did not take place.[3] "Summary adjudication of indirect contempt is prohibited. . . ."[4] In spite of the many requests that Ford had made in both actions, the District Court at no time granted such a hearing. The Circuit Court Judge argued on January 25, 2008 that Ford had made statements that he had failed to bring forth documents or answer IRS questions on May 2, 2007 (App27). This is true. Ford made all kinds of statements. He made statements in his pleadings and affidavits. He said a lot of things in court; yet, at no time did he take the stand and testify. Mr. Ford made statements; he did not testify nor did Mr. Pryor (App498; App562).

In appeal 07-2162 Judge Lucero makes an affirmation as if a "full evidentiary hearing" took place at the District Court when in fact this had not occurred. He furthers his sophistry by alluding that Ford had

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[3] Circuit Court Judge Lucero also inserts a falsehood that Ford had not requested an evidentiary hearing. (See fn. App28 cf. App395-398)

[4] *Int'l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 114 S. Ct. 2552, 129 L. Ed. 2d 642 (1994)

failed to raise any material issues on appeal (App29 cf. App598-602). Neither scenario is true. In consolidated appeal 07-2034 and 08-2121, Circuit Court Judge Anderson gave praises to Judge Lucero's rulings by deeming *US v. Ford*, 512 F.3d 1247 (CA 10 2008) as if it were law. By relying on *Weston v Harmatz* 335 F.3d 1247 (CA 10 2003), he affirms the "with prejudice" decision to dismiss the Application for Mandamus and the Petitions to Enforce Summons (App1). There is no comparison between these two cases. *Harmatz* is distinguishable from *Ford*. *Harmatz* has merit. *Harmatz* was a long drawn out ordeal with entries on its docket that will evince that a "full evidentiary hearing" had taken place:

> ***– Bench trial held 4/27/2000 9:45 AM Opening statements witness(es) called sworn & testify. Evidence marked and offered. Cross-examination. Redirect examination ct. recesses 10:50 AM reconvenes 11:10 AM. Testimony and evidence continue. Cross-examination. Court recesses 12:00 noon, reconvenes 2:00 PM. Testimony and evidence continues. Court recesses 3:15 PM. Testimony and evidence continues. . . .***[5]

Ford will sport no such entries on its court registry. *Ford* is void law on the face of the judgment role. The Supreme Court's ruling in these matters manifests an

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[5] Entry for April 27, 2000 from *Weston v Harmatz*, 335 F.3d 1247 (CA 10 2003)

indifference to the doctrine of *res judicata*. Judge Anderson propagates more void law. Thus Judge Lucero's recklessness in appeal 07-2162 will prove to be a breeding ground for more holdings that will lead to the demise of law itself. *US v. Ford*, 512 F.3d 1247 (CA 10 2008) is not law and cannot be justified by *Harmatz* or any other properly adjudicated holding. The Writ must issue in order to set aside this treacherous ruling that has no merit.

III. Sound Doctrine

"For there will come a time that they will not endure sound doctrine. . . ."[6] To avoid sound doctrine, Judge Lucero rules under pretense as if a "full evidentiary hearing" had taken place on June 7, 2007.[7] Judge Anderson then runs with the ball to hale *US v. Ford*, 512 F.3d 1247 (CA 10 2008) to be a valid ruling. In doing so he inaugurates more void law on December 19, 2008 (App1). Both of these Circuit Court Judges fail to endure the doctrine of *res judicata*. While these two judges put in question the integrity of the Tenth Circuit, the District Court Judge eviscerates her own soul in bearing false witness by implementing three lies in her order:

1. She claims Mr. Pryor was in the courtroom.

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[6] II Timothy 4:3

[7] Please *see* App22-23. Judge Lucero fails to mention that Officer Pryor was not in attendance June 7 and that Ford was not under oath. *See* App554-563.

2. She claims that Mr. Pryor testified.

3. She claims that Mr. Ford testified (App53).

In as much as testimony is necessary to send a man to jail and there is no testimony, we merely lie so we might endure sound doctrine. Shall the Supreme Court not continue with this "prevaricating tale"?

IV. Conclusion

Any time a judge will bear false witness to bring about a desired result to deprive a man of his inalienable rights, a blemish of bias and prejudice will arise. If deprivation arises through partiality and prejudice, the Writ must issue. "Constitutional floor established by Due Process Clause of Fourteenth Amendment requires fair trial in fair tribunal before judge with no actual bias against defendant or interest in outcome of particular case."[8] Circuit Court Judge Anderson declared the petitioner to be a "tax protestor" (App3 fn2). The court record will show that Ford has filed returns and faithfully paid his taxes (App77-306, 369). This Circuit Court Judge finds his conclusion upon Ford's arguments. He is unable to make findings of fact because no evidence has been formally entered in either case. The fact that Ford has been judged under these circumstances can only equate to conclusions having been made through bias.

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[8] *Bracy v. Gramley*, 520 U.S. 899 (1997)

PRAYER

Dear Heavenly Father we ask in the name of your Son Jesus Christ in rendering wisdom and courage bringing forth the rule of law to:

1. Grant the Writ of Habeas Corpus

Or

2. Order a hearing to decide why the Writ should not issue.

Respectfully submitted,

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CERTIFICATE OF COUNSEL

I hereby certify that this Petition for Rehearing is submitted in good faith and not for delay. This Petition for Rehearing is restricted to the grounds set out in Rule 44.2.

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H. Clark Ford, III